

**FILED**

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**AUG 11 2006**

**ADMINISTRATIVE HEARING  
COMMISSION**

**W. DALE FINKE, Director  
Missouri Department of  
Insurance,**

**Petitioner,**

**v.**

**MICHAEL A. BODKER,**

**Respondent.**

**Serve at:**

1210 Hickory Run Dr.  
Chesterfield, MO 63005  
(636) 537-0035

**CASE NO.** 06-0706254C

**COMPLAINT**

W. Dale Finke, Director of the Missouri Department of Insurance, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent Michael A. Bodker because:

1. Petitioner is the Director of the Missouri Department of Insurance whose duties, pursuant to RSMo Chapters 374 and 375, include the supervision and regulation of insurance producer licenses.

2. At all times mentioned herein, Respondent Bodker was a licensed insurance agent (license #AT500528561) or licensed insurance producer (license #PR112575) in the State of Missouri. Respondent Bodker's insurance license is currently active and in good standing.

3. This Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

**COUNT I**

4. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

5. Respondent Bodker has intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance, a ground for discipline under § 375.141.1(5), RSMo (Cumulative Supp. 2005).

6. The facts are as follows:

a. Between the approximate dates of August 18, 2003 and August 18, 2004, Respondent Bodker made statements or representations to AF&L, Equitable Life and Casualty, Guarantee Trust Life, and United Security Assurance insurance companies that failed to disclose or deny existing policies or applications for insurance, failed to disclose all policies of insurance sold, and misstated the financial worth of individuals who were the subject of the proposed insurance contracts or applications for insurance;

b. Such statements or representations related to the terms of actual or proposed insurance contracts or applications for insurance;

c. Respondent Bodker knew or should have known that the representations were false or inaccurate or did not know whether the representations were true or accurate at the time they were made; and

d. Respondent Bodker did so with the intent and purpose to deceive.

7. As a result, sufficient grounds exist for disciplining Respondent Bodker's insurance license pursuant to § 375.141.1(5), RSMo (Cumulative Supp. 2005).

## **COUNT II**

8. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

9. Respondent has violated an insurance law or violated a regulation, subpoena or order of the director or of another insurance commissioner in another state, a ground for

discipline under § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

10. The facts are as follows:

a. Petitioner realleges and expressly incorporates by reference the allegations contained in paragraph 6;

b. Between the approximate dates of January 24, 2000 and August 18, 2003, Respondent Bodker made statements or representations to Shenandoah Life, Boston Mutual, Mutual of Omaha, and Guarantee Trust Life insurance companies that failed to disclose or deny existing policies or applications for insurance, failed to disclose all policies of insurance sold, and misstated the lapse date of other insurance coverage of individuals who were the subject of the proposed insurance contracts or applications for insurance;

c. Such statements or representations were made on or relative to an application for insurance policies;

d. Such statements or misrepresentations were false or fraudulent;

e. Respondent Bodker made such statements or representations for the purpose of obtaining a fee, commission, money, or other benefit from an insurer, namely, the aforementioned insurance companies; and

f. Respondent Bodker committed the foregoing in conscious disregard of §§ 375.930 to 375.948, RSMo, or any other rules promulgated under said sections or with such frequency to indicate a general business practice to engage in that type of conduct.

11. As a result, sufficient grounds exist for disciplining Respondent Bodker's insurance license pursuant to § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

### **COUNT III**

12. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

13. Respondent Bodker has been found to have committed the unfair trade practice of “Misrepresentation in insurance applications” as set forth in § 375.936(7), RSMo (2000), in violation of § 375.934, RSMo (2000), a ground for discipline under § 375.141.1(10), RSMo (2000) or, alternatively, § 375.141.1(7), RSMo (Cumulative Supp. 2005).

14. The facts are as follows:

a. Petitioner realleges and expressly incorporates by reference the allegations contained in paragraphs 6 and 10.

15. As a result, sufficient grounds exist for disciplining Respondent Bodker’s insurance license pursuant to § 375.141.1(10), RSMo (2000), or, alternatively, § 375.141.1(7), RSMo (Cumulative Supp. 2005).

### **COUNT IV**

16. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

17. Respondent Bodker has used fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, a ground for discipline under § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

18. The facts are as follows:

a. Petitioner realleges and expressly incorporates by reference the allegations contained in paragraphs 4–15;

b. During the approximate period of 1990 through 2004, Respondent Bodker sold, solicited or negotiated more than 60 life and health insurance policies for Donna Rinke, Florence Oliver, Richard Pollock and Marjorie Pollock;

c. For a portion, if not all, of the above-cited transactions, Respondent Bodker failed to adequately assess the financial status and history of the aforementioned individuals;

d. For a portion, if not all, of the above-cited transactions, Respondent Bodker made unsuitable and inappropriate financial recommendations to the aforementioned individuals;

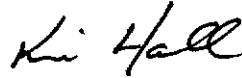
e. Respondent Bodker earned commissions for each of the above-cited transactions; and

f. The volume of transactions for each of the aforementioned individuals was not in their respective best interests.

19. As a result, sufficient grounds exist for disciplining Respondent Bodker's insurance license pursuant to § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

**WHEREAS**, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the insurance license of Respondent Michael A. Bodker.

Respectfully submitted,



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ATTORNEY FOR PETITIONER

W. Dale Finke, Director  
Missouri Department of Insurance